

IN THE SENATE

SENATE BILL NO. 1164

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO CASUALTY INSURANCE CONTRACTS; AMENDING SECTION 41-2503, IDAHO CODE, TO REVISE THE DEFINITION OF "UNDERINSURED MOTOR VEHICLE"; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-2503, Idaho Code, be, and the same is hereby amended to read as follows:

41-2503. DEFINITIONS AND APPLICATION. (1) For the purposes of uninsured motorist coverage, the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) For purposes of underinsured motorist coverage, subject to the further definitions, terms and conditions of such coverage, the term "underinsured motor vehicle" means a motor vehicle that is a self-insured motor vehicle, or a motor vehicle that is covered by a policy of motor vehicle liability insurance or an indemnity bond, with limits for bodily injury or death at least equal to those limits set forth in section 49-117, Idaho Code. Underinsured motor vehicle coverage is excess coverage in addition to the insufficient coverage of the tortfeasor and such underinsured motor vehicle coverage limits may not be reduced by amounts paid by the tortfeasor's coverage or any other coverage. Provided however, the injured person may not have a right under the policy to payment pursuant to the underinsured motor vehicle coverage that would provide recovery of an amount greater than the total legal liability of the tortfeasor or the applicable limits of the underinsured coverage, whichever is the lesser.

(3) Except as provided in subsections (1) and (2) of this section, the terms and conditions of any policy of motor vehicle liability insurance providing uninsured motorist coverage or underinsured motorist coverage are not altered or amended.

SECTION 2. This act shall be in full force and effect on and after January 1, 2010.